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by

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Mr. Chairman, Madame Ranking Republican Member, and members of the Committee, thank you for the chance to testify here today. I will try to keep my oral remarks short as a brief summary of my views, and hope it will be possible to enter the written version in the hearing record.

This time next month, delegations from around the world will be meeting in New York during the penultimate week of the 2010 Review Conference (RevCon) of the Treaty on the Non-Proliferation of Nuclear Weapons (NPT). I appreciate the chance to discuss the upcoming RevCon, and to offer my perspective upon the challenges it faces.

I. *The Crisis of Nonproliferation Compliance Enforcement*

The RevCon needs to be seen against the backdrop of a generalized modern failure of nonproliferation enforcement since the end of the Cold War. During the period of U.S.-Soviet global rivalry, a number of countries had nuclear weapons programs, but many of them were persuaded to abandon such work. There were also some nonproliferation successes in achieving "rollback" of nuclear weapons programs during the transition from the Cold War to the post-Cold War eras. The prospect of regime change and the dissolution of the perceived Soviet threat helped lead South Africa to dismantle its program, for example, and some former Soviet republics were persuaded to relinquish the weapons stranded upon their soil by the collapse of Soviet imperial power.

For its part, Iraq's nuclear weapons program was, rather inadvertently, smashed by force of U.S. arms in 1991.

With the exception of Libya, however – for which the multilateral aspects of the nonproliferation regime deserve little credit, with Muammar Qaddafi having decided to put his weapons of mass destruction (WMD) programs on the negotiating table as U.S. forces massed against Iraq again in early 2003, this time on very publicly WMD-related grounds – the nonproliferation regime has struggled with compliance enforcement. North Korea signed the NPT in bad faith, immediately violated it, and apparently continued its violations without interruption until finally withdrawing in 2003. Today it has nuclear weapons. Iran violated the NPT during this same period, was publicly caught in 2002, but remains today defiantly committed to its nuclear program. Today, Tehran already has or will soon acquire the technical option of building nuclear weapons – either overtly or shrouded in a policy of deliberate formal ambiguity while perhaps even remaining corrosively within the NPT.

Syria has been caught in secret nuclear work in conjunction with the North Koreans on what seems to have been a Yongbyon-style plutonium production reactor, but continues simply to deny the available evidence and obstruct the collection of more by the International Atomic Energy Agency (IAEA). Meanwhile, the secretive and paranoid military junta that rules Burma has made itself a worrisome question mark these days as well – with Secretary of State Hillary Clinton warning about North Korean military links to the Burmese regime, and unnamed experts leaking stories to the press about possible cooperation in dual-use nuclear technology.

The international community's response to these problems has not been impressive. President Obama echoed many years of U.S. policy when he said in Prague in April 2009 that "[r]ules must be binding. Violations must be punished. Words must mean something," and when he proclaimed that "[w]e need real and immediate consequences for countries caught breaking the rules." But except where certain actors have taken things upon themselves – as with efforts to deal with Iraq and Syria, or with the successful tripartite Libya WMD negotiations – the nonproliferation regime in the post-Cold War era has had worryingly little success in giving life to these grand principles. It is not precisely that the multilateral diplomatic community has entirely *failed* to mount responses to nuclear proliferation provocations. The problem is, rather, that what responses have occurred have been uniformly weak. Even where multilateral steps have been taken, they have done too little and come too late to have the desired effect upon the cost-benefit calculations and strategic decision-making of their targets.

Make no mistake, Mr. Chairman, I don't mean to suggest that the problem is *solely* one of multilateral diplomatic approaches being able to provide only "too little, too late" responses to proliferation provocations. It is by no means necessarily the case that more vigorous steps, taken earlier, would have entirely turned the tide in influencing determined troublemakers such as North Korea and Iran. I do think, for instance, that the world rather shamefully passed up a potential opportunity to affect Iranian decision-making in 2003 by allowing European enthusiasms for poking a post-Iraq finger in Uncle

Sam's eye to undermine the multilateral pressure that was building in reaction to revelations about Tehran's secret nuclear work. But changing the fundamental calculations of such regimes regarding nuclear weapons may well *always* have required more than diplomacy could in itself provide. Nevertheless, the diplomatic community has largely passed up the few opportunities it had to even *try* seriously to influence such regimes' choices.

We need to bear in mind this backdrop of the failure of nonproliferation compliance enforcement if we wish to understand the subterranean dynamics of the 2010 RevCon. With this predicate, let me say a few words about one of the most interesting diplomatic challenges facing the United States in connection with this upcoming meeting: the linkage between nuclear disarmament and nonproliferation.

II. *Disarmament and Nonproliferation*

Some in the international community affiliated with the global disarmament movement have argued for years that a critical reason for the NPT's problems today is that the United States and the other NPT nuclear weapons states (NWS) have not moved fast enough in getting rid of their nuclear weapons. The way to turn around today's crisis of nonproliferation noncompliance, it has repeatedly been said, is for the NWS – or at least the United States, which often seems to be the only state many in the disarmament community really care about disarming – to disarm faster. If we do so, we are told, the world will heave a great sigh of relief and finally rally to the cause of nonproliferation.

The notion that improvements in our disarmament "credibility" will lead the other countries of the world to start taking nonproliferation compliance enforcement seriously is fundamental to Obama Administration policy. This idea – which I call the "credibility thesis" – seems to have been explicitly introduced as U.S. policy by Assistant Secretary of State Rose Gottemoeller, who delivered remarks on behalf of President Obama at the May 2009 NPT Preparatory Committee meeting to the effect that the United States was now finally committing itself to "initial" steps towards "a world free of nuclear weapons." By embarking on this path, it was declared, "we will strengthen the pillars of the NPT and restore confidence in its credibility and effectiveness." The credibility thesis is also articulated in the Obama Administration's new Nuclear Posture Review (NPR), which explicitly states – twice, no less – that that the new U.S. "negative security assurance" (NSA) on non-use of nuclear weapons is intended to "persuade non-nuclear weapon states party to the Treaty to work with the United States … to adopt effective measures to strengthen the non-proliferation regime."

I have been skeptical of this credibility thesis, Mr. Chairman, but this is not because I think nonproliferation and disarmament are entirely unrelated. Indeed, in my view, the coherence of the disarmament agenda *requires* some linkage to nonproliferation, insofar as nuclear weapons elimination by today's nuclear weapons possessors would make no sense without significant improvements in nonproliferation compliance enforcement. After all, it would be remarkable to suppose that today's possessors would – or even

should – eliminate their own arsenals unless it were clear that newcomers would be kept out of the nuclear weapons business. A regime that cannot enforce its own core nonproliferation rules is not a regime capable of sustaining any serious push for disarmament.

To its credit, the current administration insists upon this sort of linkage. Echoing policy statements repeatedly made by the Bush Administration in NPT fora and at the Conference on Disarmament in 2007 and 2008, the Obama Administration's new NPR proclaims that among the "very demanding" set of "conditions that would ultimately permit the United States and others to give up their nuclear weapons without risking greater international instability and insecurity" is "success in halting the proliferation of nuclear weapons." The recognition of a causal arrow between nonproliferation and the possibility of disarmament – that is, of disarmament's fundamental unintelligibility without robust nonproliferation compliance enforcement – is rooted in basic logic, and clearly transcends political party and presidential administration.

But the Obama Administration seems to believe in a *further* linkage, too: a linkage in the other direction, between disarmament and the possibility of nonproliferation. This is the linkage of the credibility thesis – specifically, the causal connection it presumes between disarmament movement and nonproliferation success. Having more of the former, we are asked to believe, will give us more of the latter.

Especially given the degree to which our elimination of many thousands of weapons and delivery systems since the end of the Cold War – cuts amounting to something like three quarters of our arsenal – had little apparent effect in catalyzing effective multilateral compliance enforcement against North Korea and Iran, betting the store on the credibility thesis today seems to me unwise. But I could be wrong. In short order, we will have a chance to test which side is right about this.

One window into the credibility of the credibility thesis will come with the 2010 RevCon. I doubt that we'll see much of a significant change in the willingness of States Party to articulate robust positions against Iranian noncompliance, or in favor of controlling the spread of fissile material production technology, or in support of rapid and credibly-verified denuclearization in North Korea. But I will nonetheless be watching and hoping for signs of some kind of turnaround now that the United States, led by a disarmament-focused Nobel Laureate, claims to be leading the global charge toward nuclear weapons abolition.

Make no mistake, however: the diplomatic challenges in this regard for the administration will not be trivial even under the best of circumstances. Fundamentally, even if the credibility thesis *were* a sound one supported by historical evidence—a proposition about which I have my doubts – Washington may have a hard time capitalizing on President Obama's high profile disarmament posture.

Part of this is a self-inflicted problem of expectations. Even a casual reader of the Obama Administration's Nuclear Posture Review will be struck by the degree to which –

rhetorical flourishes aside – many of the fundamental elements of our *new* nuclear policy actually represent a continuation or even advancement of Bush Administration policy: nuclear weapons complex modernization; development of successor strategic delivery systems; enhancing U.S. nuclear warhead designs with advanced safety and security features and improved reliability with the integration of elements from past designs; accelerated warhead dismantlement; reductions to the minimum level consistent with strategic deterrence and alliance reassurance requirements; maintenance of a robust and effective nuclear deterrent for as long as nuclear weapons exist; commitment to improved missile defenses; and the development of better *non*-nuclear weapons with strategic reach and near-real-time impact.

At the same time, the much-vaunted "New START" agreement with Russia is not – in its raw numbers, at least, though other details are more problematic – much different than one might have seen had the Bush Administration been around to conclude the post-START talks that it itself began with Russia in 2006. The new treaty imposes only relatively small cuts to strategic delivery systems, does not touch aggregate warhead stocks at all, and may not even reduce the number of deployed warheads in the slightest. Futhermore, except for its self-congratulatory media splash, the recent Washington Nuclear Security Summit builds only incrementally, if at all, upon the substance of nuclear security initiatives developed under Bill Clinton and George W. Bush.

I say this not by way of complaint, Mr. Chairman, for I am generally of the view that cautious, incremental movement is wiser – in this world of complex feedback relationships and deep unpredictability – than the ambitious and often dangerous vanity of assuming that the world can be reshaped, wholesale, to our whims and good intentions. If the Obama Administration is learning to approach national security issues with more caution than "transformational" conceit, I applaud them for it.

Let me also say that I believe that the administration is basically *right* that the modernization-focused elements of its nuclear strategy are consistent with a sincere commitment to disarmament. Even if we do not require as many nuclear weapons as in past years, we clearly *do* still continue to require *some* of them – both for strategic nuclear deterrence and perhaps indeed also for other purposes explicitly or implicitly recognized in the Obama Administration's new declaratory policy (*e.g.*, deterring or potentially responding to conventional, biological, and/or chemical attack by at least some countries). Even to hear the administration tell it, we will also continue to need nuclear weapons for quite a long time.

During this period, if we are serious about continuing reductions, we will necessarily be asking more of our remaining warheads, delivery systems, and infrastructure. If we are safely to manage the potentially very long transition imagined on the way to some possible future "zero," we thus cannot avoid the issue of modernization. (The alternative to modernization is either *de facto* disarmament before it is safe or sane for us to take such a step, or – precisely for this reason – to see our *lack* of modernization become a brake upon disarmament progress.) In this sense, therefore, I think administration officials are correct to argue that their talk of modernization is in no

way inconsistent with seriousness about disarmament. If anything, in fact, they understate the case for modernization – a point which conservatives are sure to drive home in ratification debates over the "New START" deal.

But the intended foreign audience for U.S. disarmament posturing pursuant to the "credibility thesis" will be very unlikely to see things this way, and generations of near-theological antipathy to the very *idea* of nuclear deterrence in some quarters will make these reasonable arguments exceedingly hard to sell. Whatever the substantive merits, the political "optics" of the debate seem quite lopsided. It may in fact *be* consistent with disarmament rectitude to pursue the sort of "Bush Lite" nuclear arms agenda the Obama Administration seems to be developing – leavened for the political left only by more "zero"-focused rhetoric, a commitment to an increasingly unlikely test-ban ratification, and a confusing and still notably ambiguous declaratory policy – but it does not *look* that way to those whom the proponents of the credibility thesis presumably most wish to influence. This will be a tough diplomatic nut to crack, especially since the Obama Administration's efforts to play to the disarmament grandstands during his first year in office raised the disarmament community's expectations to a fever pitch.

II. *Judging "Success"*

Provided that the issue of the Middle East does not pop up – as it did in the endgame of the 2005 NPT RevCon – to derail efforts to develop consensus, and provided that Iran and its supporters do not deliberately impose procedural obstacles as they have sometimes tried to do in the past, I think it likely that this RevCon will produce an agreed final document. For some, this will presumably be considered proof of the RevCon's "success."

I would encourage the committee to have higher standards, however, and to look beyond just the question of the existence (or non-existence) of a final document as a measure for assessing RevCon "success." The *content* of any such document is far more important than its existence *per se* – for while a good consensus document is nice, a bad one can be worse than no agreement. More important still is the underlying question of whether the RevCon advances or retards progress in addressing the fundamental challenges of nonproliferation noncompliance that are today sending cracks snaking through the foundations of the NPT, and even of the broader nuclear nonproliferation regime itself.

We should not pretend that NPT meetings can do more than they can do. Fortunately, it does not fall to this RevCon to "save" the NPT or the nonproliferation regime, and no one expects that it will do anything direct or even enormously significant to turn around the regime's decay. What it *can* do, however, is to begin demonstrating that the international community really cares about nonproliferation. States Party need not merely to declare themselves opposed to bad things. They must somehow signal a willingness to *prioritize* enforcing nonproliferation rules and creating conditions that disfavor the spread of nuclear weapons – and they must signal a real willingness to bear

specific and meaningful, as opposed merely to rhetorical and symbolic, burdens in support of this objective as the world struggles with the challenges at hand.

I have my doubts, Mr. Chairman, that more emphatic public posturing on disarmament – or even faster U.S. nuclear reductions themselves, on top of the extraordinary cuts the United States achieved under the previous four presidents – will make much difference in affecting the international community's willingness to rally to the flag of nonproliferation compliance enforcement and the crafting of sensible technology controls keyed to proliferation risk. I would, however, be delighted to be proven wrong. If the proponents of the credibility thesis are right, we should now be able to elicit dramatic progress in bringing recalcitrant countries over to the cause of nonproliferation seriousness. I wish the Obama Administration good luck and rapid progress in this, for it is perilously late.

Thank you, Mr. Chairman.

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